

I request that this document be included as part of the record for tonight's public hearing

Board of Selectmen

Town of Maynard

195 Main Street

Maynard, MA 01754

RE: Public Hearing - 2 Rice Road

Dear Selectmen:

I currently own four vintage camping trailers, which are being kept on the property located at 2 Rice Road. It is my intention to restore the 35 foot 1952 Royal Spartanette and move it to a remote piece of land to serve as a small vacation home for my family and I. Two additional small vintage travel trailers (1961 Shasta Airflyte and 1958 Fan) were acquired to serve as storage sheds in order to store the interior parts of the Spartanette during restoration. One of these trailers, likely the 1958 Fan, will go with the Spartanette to continue serving as a storage shed when the trailer is placed remotely on a piece of land. The other, likely the 1961 Shasta Airflyte, will be restored and will serve as a camper trailer.

These three trailers are being kept in a clean, well maintained yard surrounded by a six foot privacy fence. All of them are clean, whole, stable, safe units. They have been thoroughly cleaned and disinfected. There are no debris scattered about and no loud noises or odors come from these trailers.

A fourth camper trailer, 1967 Frolic, sits on the opposite side of the property. This section of property is also clean and well maintained. This trailer will be restored or sold.

It is the Building Commissioner's opinion that the presence of these trailers on the property at 2 Rice Road 'constitutes a nuisance under the Town's general bylaws...pursuant to Chapter IX, Section 22.3.2' yet there are several other properties in the immediate area, as well as all over town, that contain storage sheds and recreational vehicles such as campers, utility trailers, animal trailers, toy haulers, and boats. Several of these properties contain multiple recreational vehicles and storage sheds and none of them have been served a notice or subjected to a public hearing. This is not 'blight' or a 'nuisance' - it is normal use of property, and your own public records show this.

It should also be noted that I submitted several written complaints in reference to other properties containing recreational vehicles, some of which contain multiple units. In addition, I submitted other code and health violations of a similar nature. None of these complaints were acted upon or even acknowledged. The public records request that I made on July 7, 2016 and the results of that request, which were received from Andrew Scribner-MacLean on July 12, 2016, proves that no action was taken.

The Town of Maynard's blatant disregard for their own procedures as outlined in the Town Bylaws is

frustrating. Their willingness and ability to change the document dates to fit their own laws, after the fact, is very disturbing. The Town Administrators should be made to review and comply with their own Bylaws and not be allowed to pick and choose what they will and will not follow. Additionally, the selective enforcement of the Town Bylaws in relation to the property at 2 Rice Road but not other Town properties may be construed as harassment or as a civil rights violation. I respectfully ask that these points be considered when making your decision and for you to be prepared to enforce that decision town wide.

There are some questions below for your consideration as well as a 'timeline' of events for your review. If necessary I can provide you with detailed records as well as copies of all correspondence with the Town, the Attorney General's Office, and the Secretary of the Commonwealth's Office.

Sincerely,

Ann Marie Cook

2 Rice Rd, Maynard

Questions for the Selectmen:

Are you aware that there are several dozen residences in the Town of Maynard that have camping trailers, utility trailers, animal trailers, storage trailers, boats, motor homes, toy haulers and much more on the properties (I can provide a partial listing upon request)? Will there be a town wide enforcement of the bylaws you are currently applying to 2 Rice Road?

Are you aware that I have made several written complaints to the Town of Maynard regarding the presence of multiple trailers and recreational vehicles on properties in the immediate area as well as several other bylaw violations and these complaints were not acted upon or even acknowledged?

Will the Selectmen who owns a large camping trailer and the Selectman who owns a boat be recusing themselves from this public hearing?

How many complaints of this nature have led to Board of Selectmen hearings or removal orders? According to the Town's public records the answer is none.

How do you quantify the depreciation of neighboring lots? Was there a study done? When was this study done?

Timeline:

On May 10, 2016, Richard Asmann, building commissioner for the Town of Maynard, visited my property due to 'citizen complaints' that were made about the vintage camping trailers on my property. He inspected the property and said he would make a decision regarding the presence of these camping trailers within a few days after he had had a chance to review the town by-laws. I placed several follow up calls regarding this visit but most were not answered or returned.

On May 17, 2016, I received a call from Richard Asmann who stated that the matter would be turned over to the Board of Selectmen and discussed at that evening's BOS meeting. I placed a call to Town Administrator Kevin Sweet to confirm whether or not the property would be discussed. He refused my call, but his secretary said the property did not appear on the agenda and therefore would not be discussed at the meeting. I did not attend the meeting.

On May 18, 2016, I was informed by Richard Asmann that the property had been discussed at the BOS meeting the night before. I sent an email to Town Administrator Kevin Sweet expressing my disappointment in the failure of his office to notify me of this. He replied stating that neither he nor his office was aware that there would be resident complaints made at the meeting.

It has since come to my attention, via the Public Records Law, that a package was circulated to the BOS and the Town Administrator that detailed the complaints and issues being brought to the meeting regarding my property that evening. The Town Administrator, Kevin Sweet, was not truthful during my inquiries before the BOS meeting May 17, 2016 and was not truthful when he replied to my email and stated he was unaware that the property was going to be discussed.

In addition, on May 18, Richard Asmann asked if he could make a second inspection of the property. At 2:30pm he arrived, inspected, and took multiple photographs of, the inside and outside of all four camping trailers, as well as the yard they are being kept in. He advised me that he would be filing a report with the Town Clerk's Office pursuant to Chapter IX, Section 22.3 because the presence of four camper trailers on the property constituted a nuisance under the provisions of Chapter IX, Section 22 of the Town Bylaws. This section defines blight as "Any condition seriously impairing the value, integrity, strength, durability, or appearance of real property."

On May 18, 2016 I made a written request, delivered by electronic mail, for any and all public records relating to this matter under the Massachusetts Public Records Law (M. G. L. Chapter 66, Section 10). I sent three additional follow up requests for the information and none were answered. The Public Records Law requires a response within 10 calendar days. The Town did not comply with this request and an Appeal of Denial of Access to public Records was made to the Secretary of the Commonwealth on June 6, 2016 and again June 9, 2016. On June 10, 2016 I received an email containing email forwards and scanned documents related to the property from Andrew Scribner-MacLean, Assistant Town Administrator.

On June 3, 2016 I received, by registered mail, a copy of the Building Commissioner's report dated May 24, 2016. This report states, in part, that 'the current zoning by-law for trailers (section 7.4) is unserviceable'; the trailers show signs of being in the process of restoration; none of the trailers show signs of being inhabited; these trailers do not fit the definition of 'motor vehicle;' that the trailers could be considered sheds and if so, there are no regulations governing their presence; and that the presence of these trailers on the property 'may

constitute a nuisance under the provisions of Chapter IX, Section 22 of the Town Bylaws. This section defines blight as "Any condition seriously impairing the value, integrity, strength, durability, or appearance of real property." This report also states that 'Pursuant to Chapter IX, Section 22.3.1, the Board of Selectmen will set a hearing date within 30 days receipt of this report.

On June 9, 10, 13 I sent several email notifications to Richard Asmann, Kevin Sweet, and Andrew Scribner-MacLean listing a number of other properties in the immediate area containing multiple trailers and/or recreational vehicles. These emails were not given a reply or acknowledged and it does not appear as though these properties were inspected, and no public hearings have been set concerning any of these properties.

In late June the hearing date of July 19 was decided upon to review the complaints made against the property located at 2 Rice Road, Maynard. This date had surpassed the 30 day limit set forth by the Town Bylaws Chapter IX, Section 22.3.1 states that a hearing date must be set not more than 30 days from the date of the report.

On July 6, 2016 there was an attempted delivery of a certified letter to the address at 2 Rice Rd, Maynard. This letter was received at the post office on July 7, 2016. This letter was a notice of a public hearing on July 19, 2016 to review the complaints about the property at 2 Rice Rd, Maynard. This notice does not provide the statutory 'not less than 14 days notice' as stated in the Town Bylaws Chapter IX, Section 22.3.1.

On July 7, 2016 I sent a request for Public Records pertaining to the property at 2 Rice Road for the period of June 1, 2016 through July 6, 2016.

On July 12, 2016 I received an email from Andrew Scribner MacLean in response to the Public Records Request made July 7, 2016. This email containing seven (7) attachments, three of which were correspondence I had sent to the Town. I asked for the remainder of the records and was told that information was not included in the Public Records Law.

On July 12, 2016 I filed an Appeal for Denial of Access to Public Records with the Secretary of the Commonwealth.

On July 12, 2016 I filed three separate Open Meeting Law Violation Complaints. The public hearing scheduled for July 19, 2016 was then canceled. On July 19, 2016 at 10am (nine hours before the hearing) I received email notification that the hearing at 7pm was canceled and would be rescheduled at a later date.

On July 20, 2016 I received an email from Sarah Bellino containing the reply from Town Counsel, Lisa Mead, to the Open Meeting Law violation complaints.

On July 20, 2016 a copy of the Building Commissioner's original report, with the date changed from May 24, 2016 to July 18, 2016, was served by Constable to 2 Rice Rd, Maynard.

On July 21, 2016 I received notice via USPS of the rescheduled Public Hearing for August 16, 2016 concerning 2 Rice Rd.

On July 21, 2016 I requested copies of all blight and nuisance cases that have been heard in front of the Board of Selectmen during the past five years and the outcomes and decisions of each via the Public Records Law.

On July 26, 2016 I replied to the Town's response regarding the Open Meeting Law Violations and asked the Attorney General to review the complaints as I was not satisfied with the Town's response. I also sent an email directly to the Town's Counsel expressing my frustration with the Town of Maynard's blatant disregard for their own rules and bylaws. There was no response received from the attorney.

On July 28, 2016 I received an email from Stephanie Duggan in response to the request for public records made July 21, 2016 regarding all blight and nuisance cases that have been heard in front of the Board of Selectmen during the past five years. This email contained an attachment that referenced only one case from 2003.

On July 29, 2016 I received a telephone call from a representative from the Attorney General's office about complaints I have made against the Town of Maynard.

On August 2, 2016 I requested copies of any and all cases that involved a public hearing or removal notice being issued for any type of trailer or recreational vehicle during the past ten years and the outcomes and decisions of each via the Public Records Law.

On August 3, 2016 I received email notification from the Office of the Secretary of the Commonwealth that that office was in receipt of the Public Records Appeal and would be reviewing the information provided.

On August 4, 2016 I was asked to provide additional information to the Office of the Secretary of the Commonwealth in regards to the Public Records Appeal. It was provided via email.

On August 5, 2016 I received notice from the Office of the Secretary of the Commonwealth that the Public Records Appeal was being reviewed.

On August 9, 2016 I received an email response from Stephanie Duggan concerning the Public Records request made August 2, 2016 in which it was stated, “The Town has conducted a search of its files and there are no records responsive to your request. Please note that the state record retention schedule does not require the Town to maintain records of this nature any longer than what is administratively necessary. Similarly, the Board of Health is only required to keep records relating to orders to abate a nuisance for on year, and Building Inspectors are required to keep records of violation notices for one year.” However, the Town was able to go back to 2003 (thirteen years) when they responded to the request I made July 28, 2016, which was of the same nature.

On August 11, 2016 I received notice from the Office of the Attorney General that the Open Meeting Law Violation Complaints had been received and will be reviewed.

On August 11, 2016 I received an email from Becky Mosca which contained attached copies of the Agenda and Packet for the August 16, 2016BOS meeting.

Attachments:

2 Rice Road, Front

Back yard

Inside of Royal Spartanette

Selected Correspondence:

> From: Ann-Marie Cook-English [<mailto:a.cookenglish@gmail.com>]
> Sent: Wednesday, May 18, 2016 6:45 PM
> To: Kevin Sweet
> Cc: Richard Asmann; Stephanie Duggan; Andrew Scribner-MacLean; Becky Mosca
> Subject: 2 Rice Road Board of Selectmen Meeting
>
> May 18, 2016
>
> Kevin Sweet
> Town Administrator
> Town Of Maynard
> 195 Main St
> Maynard, MA 01754
>
> RE: Board of Selectmen Meeting Tuesday, May 17, 2016
>
> Dear Mr. Sweet,
>
> I am writing to you to express my disappointment in the efficiency of your office yesterday. During a discussion with Building Commissioner Richard Asmann I was told that the complaints regarding the property at 2 Rice Road were going to be discussed at the Board of Selectmen meeting taking place at 7:00pm. I called your office at approximately 12:00pm to confirm the time and place of the meeting and asked your secretary to confirm that the the property discussion was on the agenda. She denied it was on the agenda, placed me on hold, presumably to speak with you, and when she returned she stated emphatically that you, Mr. Sweet, had denied that the property would be discussed at the meeting. I asked to speak to you and you refused the call. I left a message and you did not return the call.
>
> I spoke to Mr. Asmann a second time that day and he confirmed that there had been a change and that the property would not be discussed. Also, Andrew Scribner-MacLean returned an earlier call and he, too, stated that the property was not going to be discussed. I did not attend the meeting last night because the property was not going to be discussed.
>
> Today, May 18, I was informed during a meeting with Mr.Asmann that the property at 2 Rice Roadwas discussed at the Selectmen's meeting on Tuesday, May 16 . This is unfair and unacceptable and an attorney has been contacted to review this matter.
>
> Sincerely,
>
> Ann Marie Cook
> 978-793-9073
>
> cc:
> Richard Asmann
> Andrew Scribner-MacLean
> Becky Mosca
> Stephanie Duggan

> From: Kevin Sweet <ksweet@TownofMaynard.net>
> Subject: RE: 2 Rice Road Board of Selectmen Meeting
> Date: May 18, 2016 at 8:16:54 PM EDT
> To: 'Ann-Marie Cook-English' <a.cookenglish@gmail.com>
> Cc: Richard Asmann <rasmann@TownofMaynard.net>, Stephanie Duggan
<sduggan@TownofMaynard.net>, Andrew Scribner-MacLean <AScribner@TownofMaynard.net>, Becky
Mosca <BMosca@TownofMaynard.net>
>
> Ms. Cook,
>
> My apologies for you feeling like there was a miscommunication but it is not a reflection of my Office. You
called my Office and you were told I was not available which is accurate, I was in a staff meeting and could
not take your call. I am sure you can appreciate the day after Town Meeting and the day of a Board of
Selectmen meeting my staff and I are straight out. I later had discussed with and requested Andrew Scribner-
MacLean, Asst. Town Administrator call you regarding your concerns as he is the Executive Director of
Municipal Services overseeing the related matter. With regards to the meeting Agenda the matter of 2 Rice
Road was not on it to be discussed. MA Open Meeting Law requires public meeting Agendas be posted at
least 48-hours in advance and be readily accessible on the Town website, Town Hall and Police Department
lobby. All BOS Agendas are posted the Friday before a meeting.
>
> We cannot anticipate or predict who will attend our public meetings and request to speak during public
comment which is what happened. You could have attended the meeting and requested to do the same. The
meeting minutes are public record and will be posted on the Town website once approved.
>
> Regards,
> Kevin Sweet
> Town Administrator

> From: Becky Mosca
> Sent: Tuesday, May 17, 2016 3:38 PM
> To: Becky Mosca; Chris DiSilva; David Gavin; Jason Kreil; Kevin Sweet; Terrence Donovan; Tim Egan
> Subject: Complaint from T Herring 28 George Road
>
> Board
>
> We just received this complaint from T Herring. She asked me to send out as she plans to attend the BOS
meeting tonight.
>
>
> Becky Mosca
> Administrative Assistant
> Maynard Board of Selectmen
> 195 Main Street
> Maynard, MA. 01754
> e-mail: bmosca@townofmaynard.net
> Voice: 978-897-1351
> www.townofmaynard-ma.gov